

REMARKS AND ARGUMENT

By Office Action dated January 5, 2005, claims 1-23 are subject to restriction and/or election requirements pursuant to MPEP § 806.05(e). The Examiner asserts that claims 1-20 (hereinafter "Group I") are drawn to a roll, classified in class 492, subclass 46, and that claims 21-23 (hereinafter "Group II") are drawn to a method for forming sheets, classified in class 72, subclass 362. The Examiner states that the apparatus could be used to produce a process that does not have the step of extruding molten material through a die having an orifice. Further, the Examiner asserts that the invention to the roll and the method for forming sheets are distinct, contending that the inventions "have acquired a separate status in the art as shown by their different classification[s]". The Examiner concludes that the invention acquired separate status in the art because of its recognized divergent subject matter, and the search required for Group I is not required for Group II.

The restriction requirement is respectfully submitted to be improper. The method claims 21-23 describes the process for forming a sheet, which is non-metallic, using an extruded cross-section with a width and a thickness. The thickness having a relatively thin area, and a relatively thick area; the thin area extending across a first portion of the width and the thick area extending across a second portion of the width. The extruded molten sheet is placed on a heat transfer roll having a surface exposed to two flow channels, such that the rate of cooling of the cast sheet can be controlled differently (i.e. so that the cooling rate of the thicker profiles substantially matches the time of solidification of thinner profiles).

Class 72, titled *Metal Deforming*, which the Examiner relies on for the method claims, is restricted to the art of "deforming metals" as defined in the classification's definition. The

instant invention, however, is used for cooling non-metallic sheets of material, such as paper, plastic and rubber. A better classification for the process would probably be class 165, titled *Heat Exchange*, which is to include an apparatus or process for transferring heat, or relating to an auxiliary device particularly adapted to be used with a heat transfer apparatus. More particularly, class 165, subclass 89, describes a roll or roller having heating, cooling or heat transfer means.

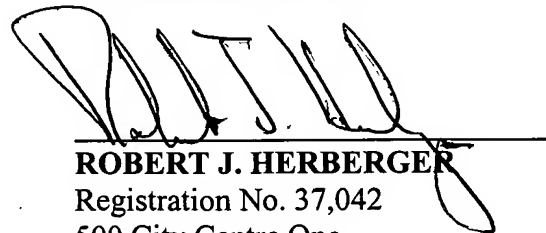
Applicant asserts, therefore, that the examination of the Group I rolls in class 492, subclass 46, would most likely require an examination of the related Group II method claims in class 165, subclass 89. This assertion is supported by the cross-reference between the classes and subclasses cited in the classifications themselves. Accordingly, the restriction and election requirement does not provide for examination efficiency and streamlining since examination of both classifications will be required for either Group I or Group II.

Wherefore, Applicant respectfully requests that the Examiner reconsider the election and/or restriction requirement, and withdraw the same for the reason stated herein. If the restriction requirement is not withdrawn, Applicant provisionally elects to prosecute claims 1-20 in Group I.

Thank you for your consideration.

Respectfully submitted,

Date: January 10, 2005



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EXPRESS MAILING CERTIFICATE

I hereby certify that this **Response and Election** is being mailed via Express Mail having Tracking No. **ER 528759925 US** on this 10th day of January 2005 and is addressed to:
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